

THE GREAT SCANDAL.

Conclusion of the First Scene in the Case.

Moulton's Direct Evidence All Taken.

"IT WOULD KILL SAGE."

The Mutual Friend Calm Under Cross-Examination.

YOU WOULD AND YOU WOULDN'T.

The Storm Lessening the Attendance of Spectators.

The snow storm, fast and fine, on Monday, the third day of the trial in Brooklyn, discouraged in part the curious crowd which has all along been attending Court, and besides, the number of tickets has been restricted. A portion of the Bar has been circulating a petition to the Judge to give them their privilege within the bar exclusively. This is not regarded as a movement against the press reporters, but against the Plymouth attendance, which generally consists of thirty to forty able-bodied men, seated in the conspicuous seats behind Mr. Beecher and his counsel. Three pages of signatures have been obtained for this petition during Saturday and Sunday. The counsel now take up nearly half the space within the open part of the bar, the reporters and females the remainder.

Yesterday four ladies came into court, Mrs. Tilton leading. She walked briskly and looked rosy after the snow. A red shawl gave her less formality than in the elaborate velvet mantle she had previously exhibited. After the fresh color had from her face she appeared, with her veil raised, to be somewhat sultry, and, indeed, more than at any former time. One of her favorite expressions was folding her under lip under her front teeth. Mrs. Field took the commanding position at her right, and her black pique was three inches taller than any sitting figure in the arena. Between Mrs. Tilton and Mrs. Shearman, on the other side, was a new figure to the reporters, and rumor ran that it was Bessie Turner, but she was afterwards discovered to be Mrs. Raymond, wife of a naturalist and author of juvenile books.

Mr. and Mrs. Beecher and sons were conspicuous by the four empty chairs provided for them between Assistant Pastor Halsey and Dr. Hodge of the Mariners' Baptist church. The door manager, Mr. Caldwell, was quiet and observant yesterday, and passed no bonquets to the females. The snow appeared to have folded up the petals of the usual sympathetic roses, and not a blossom nor sprig of green appeared in the auditorium. Mr. Tracy spoke to Mrs. Tilton before court opened and then took his seat in the semi-circle of Mr. Beecher's counsel—an outer concentric row—with Mr. Tilton's counsel.

Frank Moulton came into court a little late, with a yellow monocle bag and a silk umbrella. His worldly, business-like manner, and his keener as his testimony proceeded. His nose is one of the most wedge-like of features, and with it is not of that sort called incisive or insinuating, but a really strong and handsome feature, the best he has to show. Under this long, sweeping, brigandish red moustache curls down over the ends of the mouth, and leaves exposed merely the keen, comely chin. He was exceedingly polite to Mr. Evans, and slipped of a glass of water now and then, and gave his narrative almost like a lecture on some scientific subject. His sentences were often so slowly and deliberately constructed that Mr. Tracy looked at the jury studiously, they meantime, all agog and following Moulton with the utmost care. Sometimes he made a slight gesture with his open palm upon his knee, and once or twice asked a question to be repeated, as if he preferred Fullerton to give it to him in some other form.

Theodore Tilton, wearing a dark-brown, rough overcoat, sat at Fullerton's elbow all day, his eyes upon the witness, holding in his hands a series of large yellow envelopes, all numbered and their contents annotated upon the back. Behind him was a gray, bald, spectacled old man, who carefully read a paper and now and then made a note, and brought it to the public eye. He was understood to be Frank Moulton's father; but he resembled Moulton very little, except that he was of powerful frame, bold jaws and took a cool interest in the case, not unlike Moulton's.

Among the strangers in court was Judge Wilson, of Chicago, who occupied a place beside Chief Justice Nelson—an erect, spectacled man, bald and good-looking, and suggesting the general style of a doctor of divinity. Assistant District Attorney Haines, of New York, was present; also ex-Judge Garrison.

There was one sharp scene during the day, arising out of a mistaken order of Judge Fullerton to introduce a letter written by Mr. Clark, the editor of the *Golden Age*. About the time the defense desired to see this letter introduced Mr. Moulton threw it out of evidence by correcting his testimony, and saying that he could not swear he had ever shown this particular letter to the defendant. Mr. Evans made a hard fight to throw the witness into his first position, but he was calm as a May morning.

Rev. Dr. Ingersoll, of the Harrison street Dutch Reformed church, was in court in the afternoon. Mr. Fullerton, with his red hair, and Mr. Evans, with his paper and spectacles, were the most excited, looked like a pair of casters containing red and black peppers. The proceedings lost very much of their personal interest by the absence of the Beechers. There was little or no play of countenance during the trial.

Yesterday's proceedings were occupied for two hours and a half with Moulton's direct testimony. As the time approached for Mr. Moulton's cross-examination to begin a sense of expectancy and apprehension came over the audience. It was believed that Moulton would suffer the extreme vengeance of the defense, and murmurs were heard among listening members of the Bar—

"We will see the worst edge of the defense and measure their ability to harm Moulton in the next thirty minutes."

The cross-examination of Moulton was of a very formal and stately sort, stronger in form than in substance. It did not make the least impression on Moulton. He did not grow cold under it nor at all irritated, and his politeness to the cross-examiner seemed to be a natural politeness, arising from his sense of admission that it was the counsel's right.

It had been sharp and sequential before, he was, under this examination, softer in every quality and softer in every pore. His manner did not perceptibly change. He was in no sense discouraged by the gloomy challenges of Judge Fullerton, and the want of consecutiveness and grip about some of Porter's questions seemed to be derived from some of the embarrassment he had from the frequent suggestions of Mr. Tracy, standing behind him. Mr. Porter understood the case and knew what to ask; he ought to have been accurate in the inquisition; but so exalted a style of interrogatory could not be sustained in dignity with another interrogator. Probably Mr. Tracy, unaided, could have carried on the questioning successfully. But a dramatic manner requires above all things unity.

The theory of the defense upon this cross-examination appeared to be ingenious. It was to produce Mr. Beecher's pleading letters to his quarrelsome friend, and, having read them with all the ambiguity of emotion, to set Moulton at

once in an inviolable light before the jury. In brief, to say, "Did you read to me the letter Mr. Beecher wrote to his friend, and in that letter he said that he might have to defend himself, while living to his enemy?" And then, having put this leading question, to read the letter in all its eloquence of injury.

The intent was defeated by its informality. The Judge ruled the letter out as Mr. Beecher's statement of what might have occurred but was not proved. The reading of the letter, too, was overdone and passed in style into patness to bathos. Moulton, studying his interlocutor during the reading, relied upon a policy of perfect politeness, and thus the best tool he could have used, as his courtesy often three Judge Porter of his guard.

Mr. Beecher's magnanimity in keeping out of court during what might have been the trying scene for his young opponent was generally appreciated. He has no love for cruel scenes, and spared Moulton the sight of his enjoyment.

To-morrow may be a rough day for Moulton, but if his pulse beats as evenly as yesterday he will escape with no life scars.

Called Morris, at the conclusion of the day, called the Judge's attention to a court interloper among counsel for plaintiff, who was in a position to hear every word said together. Morris is recovered and looks as well as usual.

THE EVIDENCE.
Francis D. Moulton testified—This paper you have shown me is my first statement to the committee; it was prepared for the committee at their meeting of July 13.

Mr. Evans—How is this material, Your Honor? This is not any of the material that I know of. The paper was introduced to the attention of the witness as we were about to examine it. It was called the first statement which Mr. Moulton prepared for some pending investigation that was being conducted by the committee. It was not in this case. It was Mr. Beecher's statement that we can understand it as evidence against Mr. Beecher.

Mr. Fullerton—The gentleman's objection is premature. I have not offered the statement yet in evidence. I have only asked the preliminary question before I design giving the statement in evidence. But it is preliminary proof is insufficient, then the committee can object.

His Honor—it appeared that you were about offering it, and I thought you were.

Mr. Evans—I thought I would give you the opportunity of narrowing the circle.

Mr. Fullerton—But I don't want to close the circle in the present case.

Mr. Moulton resumed—I read the statement to Mr. Beecher at my house in Remsen street before I sent it to the committee. I read it to him before I designed giving the statement in evidence. But it is preliminary proof is insufficient, then the committee can object.

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said, "Do you think he will?" I said, "I hope he will." Mr. Tracy then said that Mr. Tilton had spoken to him of the matter. Mr. Evans—The witness has said there was another statement also made. Mr. Moulton—No, sir; I did not say there was another statement. Mr. Tilton was willing to make, but I did not have it with me at the time I was in court. Mr. Evans—The witness has said that Mr. Tilton was willing to make, but I did not have it with me at the time I was in court. Mr. Evans—The witness has said that Mr. Tilton was willing to make, but I did not have it with me at the time I was in court.

When Moulton testified that he told Mr. Beecher the substance of the letter, he was not asked to produce the letter, because of the influence she had been personally exerting over him to suppress their secret, there was a further question as to whether or not he felt that his duty in the matter was to produce the letter. Mrs. Tilton with friends was somewhat questioned. Mrs. Field, leaning forward, listened and measured Moulton with the cool, glassy eye not uncommon in the Society of Friends, of which she is a member. Mrs. Tilton was presently whispered to by the others, and she smiled incredulously, as if resenting with the others the idea that she should have remained in her own house. The witness having stated that the paper was in the hands of Mr. Beecher, and that he had not seen it since that time, a conversation with Beecher about the letter and about the *Golden Age*, there was a pause, both sides of counsel consulting together. In the midst of it Moulton happened to make a remark, when Mr. Evans bounced up and confronted Moulton as if he had committed the unpardonable sin—"What is that, Mr. Witness? No, sir?"

Moulton, imperturbable, answered with the utmost politeness that he had merely wished to discomfit counsel and state that he had not sufficient time to produce the letter, and that he was not a lawyer, and that he was not a lawyer, and that he was not a lawyer.

Mr. Clark was an assistant editor with Mr. Tilton in the *Golden Age*, and he was in New York by the 10th of January, 1875, in the month of March; it is still published; I had a conversation with Mr. Beecher about the *Golden Age*, and he was willing to make a statement to me that he could not receive any aid from Mr. Beecher in establishing the *Golden Age*, and he was willing to make a statement to me that he could not receive any aid from Mr. Beecher in establishing the *Golden Age*.

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